



December 16, 2020

**STATUS REPORT AND REQUEST FOR  
RECONSIDERATION OF THE DECEMBER 16, 2020 ORDER**

*Via E-filing*

United States District Court  
Eastern District of Pennsylvania  
Honorable Joshua D. Wolson  
601 Market Street  
Room 3809  
Philadelphia, PA 19106-1726

RE: Lisa Barbounis v. The Middle East Forum  
No. 2:19-cv-05030-JDW

Dear Judge Wolson:

Please allow this email to serve as Plaintiff's status report in connection with the December 4, 2020 Order and a Request for Reconsideration of the December 16, 2020 Order that states Plaintiff is being sanctioned \$50.00 per day due to not being able to produce text threads by December 15, 2020. This is an unfair result and a manifest injustice which warrants reconsideration.

Capsicum is working hard to produce the information identified by Defendants. Capsicum had to begin from scratch and work with the original images of the phone. The list of text threads provided by Defendants was not helpful and did not allow Capsicum to obtain the information identified by Defendants.

Capsicum provided the following update today:

We are progressing with the images and are hopeful to have the results of the keyword searches by COB tomorrow. The spreadsheet we have in hand is not helpful so we will produce based on the search terms. I will still report back to you at 5pm today to see if we are still on pace for tomorrow delivery.

Also, we are confused by the syntax of the 25 term in the list. Maybe you can just send us an email saying what is meant be the search and we will get in proper syntax.

Capsicum then update Plaintiff again:

We continue to be on pace for our searches to be completed by cob tomorrow. We will send an update in the morning *with our overnight progress*.

Capsicum is treating this as a rush job and working diligently to produce the information as soon as possible. It was impossible for Capsicum to produce the information by December 15, 2020. This was not due to any failure on the part of Plaintiff but due to the very nature of the information under consideration. Capsicum simply could not perform this task in the time allotted. It is unfair to set an impossible deadline and then sanction a party for their inability to comply with the same. Plaintiff made every reasonable attempt to comply with the Court Order and produce the information by December 15, 2020. Capsicum is making every reasonable attempt to comply with the Court Order and produce the information by December 15, 2020.

The Court Order also provides for the production of relevant Telegram messages and unredacted information from Plaintiff's Instagram and Twitter accounts by December 18, 2020. Plaintiff is working on the production of this information; however, Cornerstone was unable to help in any way. Cornerstone refused to assist with this part of the Court Order. Plaintiff is attempting to find a work-a-round, however the Court Order provides until December 18, 2020 for this information.

Plaintiff is requesting that the Court allow Plaintiff additional time to produce the text threads as this is an equally difficult task. The Court Order only provided seven business days to December 15, 2020 for the text threads. There was no way possible that this information could have been produced in the time allotted. Plaintiff therefore requests that the Court allow the production of text threads by the same date as the Twitter, Instagram and Telegram information.

If Capsicum is able to produce the information tomorrow, Plaintiff requests the Court reconsider its Order to assess sanctions.

Plaintiff also requests a telephone call with the Court and parties in connection with the redactions as this information was not part of the information that Capsicum collected from Ms. Barbounis. Plaintiff requests that the information from Ms. Barbounis's Twitter and Instagram Accounts be treated like the information in her Telegram account. This would mean that Plaintiff is permitted to produce all relevant information to Defendants through the accounts and NOT based upon the search terms which yielded thousands of false positives. Plaintiff is able to access these accounts directly, however, it would take Plaintiff weeks to match the information with the search terms run by Cornerstone.

Very Truly Yours,  
**DEREK SMITH LAW GROUP, PLLC**

BY: /s/ Seth D. Carson  
Seth D. Carson, Esquire

CC: All parties through ECF

**CERTIFICATE OF SERVICE**

I hereby certify that on this date that I caused a true and correct copy of Plaintiff's Status Report was served via the Court's ECF filing system:

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**DEREK SMITH LAW GROUP, PLLC**

BY: /s/ Seth D. Carson

SETH D. CARSON

DATED: December 16, 2020